

Policy Type: Executive Limitations**Staff Treatment**

With respect to treatment of paid and volunteer staff, the Superintendent shall take reasonable steps to avoid causing or allowing conditions, procedures, actions or decisions which are unlawful, unethical, unsafe, disrespectful, disruptive, undignified or in violation of Board policy.

Accordingly, the Superintendent may not:

1. **Fail to make inquiries required by law prior to hiring personnel and during employment**
2. **Fail to recommend candidates to the Board for instructional staff positions that meet all qualifications required by federal and state law**
3. **Operate without written personnel policies that:**
 - a. **Comply with state and federal law**
 - b. **Clarify personnel rules and procedures for staff**
 - c. **Provide for effective handling of grievances**
 - d. **Protect against illegal conditions**
 - e. **Include adequate job descriptions for all district positions**
 - f. **Include adequate salary and compensation plans that comply with state law**
 - g. **Include a personnel performance evaluation system that complies with state law**
 - h. **Comply with statutory requirements regarding reductions in force and other termination processes**
4. **Prevent staff from grieving to the Board when internal grievance procedures have been exhausted and the employee alleges that Board policy has been violated**
5. **Discriminate against staff members for alleging a violation of law or civil rights**
6. **Fail to provide staff with an opportunity to become familiar with their rights and responsibilities under district policy**

7. When appropriate and at the discretion of the Superintendent, fail to meaningfully and timely respond to concerns raised by staff and timely report on such concerns and responses to the Board
8. **Use methods of collecting, reviewing, transmitting or storing information that fail to reasonably protect confidential information**

Adopted: August 2005

LEGAL REFS.: 15 U.S.C. 1681 *et seq.* (Fair Credit Reporting Act)
 20 U.S.C. 1119 (definition of highly qualified teacher contained in No Child Left Behind Act of 2001)
 20 U.S.C. 2361 through 2368 (Coverdell Teacher Protection Act contained in No Child Left Behind Act of 2001 limits the liability of school personnel)
 42 U.S.C. 653 (a) (Personnel Responsibility and Work Opportunity Reconciliation Act)
 34 C.F.R. 200.55 (federal regulations regarding highly qualified teachers)
 34 C.F.R. 200.58, 200.59 (federal regulations regarding paraprofessional qualifications)
 C.R.S. 14-14-111.5 (Child Support Enforcement procedures)
 C.R.S. 22-2-119 (duty to make inquiries prior to hiring)
 C.R.S. 22-9-103 (1.5) (definition of licensed personnel)
 C.R.S. 22-12-101 *et seq.* (Teacher and School Administrator Protection Act)
 C.R.S. 22-32-109 (1)(cc) (district required to adopt staff dress code)
 C.R.S. 22-32-109 (1)(f) (Board duty to employ personnel to carry out educational programs of the district)
 C.R.S. 22-32-109.1 (8) (inquiries to Colorado Department of Education regarding employees)
 C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)
 C.R.S. 22-32-109.7 (inquiries prior to hiring)
 C.R.S. 22-32-110 (1)(h) (Board power to be exercised in its judgment to discharge personnel)
 C.R.S. 22-32-110 (ee)
 C.R.S. 22-32-126 (employment and authority of principals)
 C.R.S. 22-32-126 (5) (disciplinary information to staff)
 C.R.S. 22-60.5-101 (Colorado Educator Licensing Act)
 C.R.S. 22-60.5-114 (3) (State Board can waive some requirements for provisional license applicants upon request of school district:
 C.R.S. 22-60.5-201 licensure reciprocity for out-of-state applicants)
 C.R.S. 22-61-101 (discrimination in employment of teachers prohibited)
 C.R.S. 22-61-103
 C.R.S. 22-63-201 (all teachers must hold a teacher's license or letter of authorization)
 C.R.S. 22-63-202 (teacher employment contracts)
 C.R.S. 24-10-102 *et seq.* (governmental immunity)
 C.R.S. 24-34-402 (1) (discriminatory or unfair employment practices)
 C.R.S. 24-72-202 (4.5) (definition of personnel file in open records law)

Monitoring Method: *Internal*
Monitoring Frequency: *September*